

Amendment No. 1 to HB1951

Daniel
Signature of Sponsor

AMEND Senate Bill No. 2322

House Bill No. 1951*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-201(c), is amended by deleting the language "proposed rule" and substituting instead the language "rule to be proposed".

SECTION 2. Tennessee Code Annotated, Section 4-5-202(a), is amended by deleting subdivision (2) and substituting instead the following:

(2)

(A) The rule is promulgated as a direct informal rule, to be posted to the administrative register website within the secretary of state's website within seven (7) days of receipt, together with a statement that the agency will adopt the direct informal rule without a public hearing unless within ninety (90) days after filing of the direct informal rule with the secretary of state, a petition for a public hearing on the direct informal rule is filed by ten (10) persons who will be affected by the rule, an association of ten (10) or more members, a municipality, or by a majority vote of any standing committee of the general assembly. If an agency receives such a petition, it shall not proceed with the proposed rulemaking until it has given notice and held a hearing as provided in this section. The agency shall forward the petition to the secretary of state. The secretary of state shall not be required to compile all filings of the preceding month into one (1) document. As used in this section, "direct informal rule" means an administrative rule that makes minor, nonsubstantive modifications to an existing rule or that adds minor,

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nonsubstantive provisions as part of a new rule, including, but not limited to, clerical updates.

(B)

(i) An agency shall not promulgate a rule as direct informal rule

that:

(a) May affect the rights of persons;

(b) May mandate conduct or impose fees, penalties, or fines; or

(c) A reasonable person might otherwise deem to be significant.

(ii) An agency may only promulgate a rule as a direct informal rule

when the rule:

(a) Involves a minor, nonsubstantive modification, including, but not limited to, clerical updates;

(b) Is approved by the joint government operations committee of the house of representatives and the senate pursuant to subdivision (a)(2)(B)(iii);

(c) Repeals a rule; or

(d) Eliminates or reduces a fee.

(iii) An agency may petition the joint government operations committee of the house of representatives and the senate to authorize a rule to be a direct informal rule when the agency has given proper notice

and held a public hearing pursuant to this part, but the rule is withdrawn to make nonsubstantive modifications to the rule prior to the review of the rule by the joint government operations committee;

SECTION 3. Tennessee Code Annotated, Section 4-5-203(a)(2), is amended by deleting the language "proposed rulemaking" and substituting instead the language "rule being proposed".

SECTION 4. Tennessee Code Annotated, Section 4-5-203(c)(2)(A), is amended by deleting the language "proposed rule" wherever it appears and substituting instead the language "rule being proposed".

SECTION 5. Tennessee Code Annotated, Section 4-5-203(d), is amended by deleting the language "proposed rulemaking" and substituting instead the language "a rule being proposed".

SECTION 6. Tennessee Code Annotated, Section 4-5-204(c)(1), is amended by deleting the language "proposed rule" and substituting instead the language "rule being proposed".

SECTION 7. Tennessee Code Annotated, Section 4-5-205(a), is amended by deleting the language "proposed rules" and substituting instead the language "rules being proposed".

SECTION 8. Tennessee Code Annotated, Section 4-5-222(a)(1)(C), is amended by deleting the language "proposed rule" and substituting instead the language "rule being proposed".

SECTION 9. Tennessee Code Annotated, Section 4-5-226(b)(2), is amended by deleting the language "proposed rules" wherever it appears and substituting instead the language "proposed rules or rulemaking hearing rules".

SECTION 10. Tennessee Code Annotated, Section 4-5-226(i)(1)(I), is amended by deleting the language "rule proposed" and substituting instead the language "rule being proposed".

SECTION 11. The department of state shall promulgate rules, where necessary, to effectuate the purposes of this act.

SECTION 12. Tennessee Code Annotated, Section 4-5-216, is amended by designating the existing language as subsection (a), and adding the following as a new subsection:

(b) A person affected or potentially affected by a rule may file suit directly to the chancery court in the county where the person resides to enjoin enforcement of a rule when the rule is not adopted in compliance with this chapter.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it.